

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SUSAN M. KALABACAS,	:	No. 4:CV 06-2000
	:	
Plaintiff	:	Judge Jones
	:	
v.	:	
	:	
CITY OF WILLIAMSPORT and	:	
LYCOMING COUNTY,	:	
	:	
Defendants	:	

ORDER

October 17, 2006

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On October 11, 2006, Plaintiff Susan Kalabacas filed a *pro se* civil rights action against the City of Willamsport and Lycoming County. The essence of Plaintiff's complaint is that the Williamsport Police Department has failed to investigate numerous complaints made by her against her neighbors. The relief Plaintiff seeks in her complaint is for "the Court [to] restore all my rights and grants [*sic*] restitution for these abuses and so that this never happens again." (Rec. Doc. 1 at 2).

With her complaint Plaintiff filed an application on this court's form application to proceed *in forma pauperis*. For the purposes of this Order we will

grant Plaintiff's application to proceed *in forma pauperis*.

When considering a complaint accompanied by a motion to proceed *in forma pauperis*, 28 U.S.C. § 1915(e)(2) requires a district court to dismiss the action, before service of the complaint, if the complaint is malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. See Neitzke v. Williams, 490 U.S. 319, 327-328 (1989); Wilson v. Rackmill, 878 F.2d 772, 774 (3d Cir. 1989). A complaint should be dismissed as frivolous if "it is either readily apparent that the plaintiff's complaint lacks an arguable basis in law or that the defendants are clearly entitled to immunity from suit." Roman v. Jeffes, 904 F.2d 192, 194 (3d Cir. 1990)(quoting Sultenfuss v. Snow, 894 F.2d 1277, 1278 (11th Cir. 1990)). "The frivolousness determination is a discretionary one," and trial courts "are in the best position" to determine when an indigent litigant's complaint is appropriate for summary dismissal. Denton v. Hernandez, 504 U.S. 25, 33 (1992).

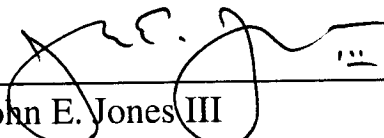
A review of the Plaintiff's complaint makes it plain that she is dissatisfied with the Williamsport Police Department's perceived failure to intervene in what she considers to be various assaults on her by her neighbors. Plaintiff in no way sounds her complaint in any federal law, nor can even the most strained reading of the complaint implicate even the hint of a federal claim. Accordingly, because we

find that the complaint is frivolous and fails to state a claim upon which relief can be granted, it shall be dismissed.

Under the circumstances, the Court is confident that service of process is clearly unwarranted.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Plaintiff's motion to proceed *in forma pauperis* (doc. 2) is
GRANTED.
2. The complaint is **DISMISSED** without prejudice as frivolous.
3. The Clerk of Court shall close the file on this case.



John E. Jones III
United States District Judge